IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Civil Revision Application No. 181 of 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. V.K. Paliwal, Advocate for the applicant.
None for the respondents, though served.

CORAM : A.H. JOSHI, J.

DATED : 15th November, 2006.

1. Learned Advocate Mr. S.K. Mishra's name is shown on the board. Learned Advocate Ms. Bhambwani states that Mr. Mishra's appearance was wrongly filed, and may be cancelled. Office to strike off the appearance of learned Advocate Mr. S.K. Mishra.

2. Heard learned Advocate Mr. V.K. Paliwal for petitioner. None for the respondents.

3. The matter can be disposed of on the short point, permitting the petitioner to file a fresh application giving further

details, by setting aside the Order dated 13th February, 2003. In view of this, it would not be necessary to serve the respondents once again.

4. Though in last paragraph of the order, the learned Civil Judge [Junior Division] observed as follows:-

> In my opinion, this application is not tenable at all and it is the choice of applicant Rajamati Namdeo Mhaske to proceed against Suprutdar or any other person if she thinks that her articles have not been completely given to her. With this discussion, I proceed to pass following order. ,

however, while passing the operative order, the learned Judge rejected the application.

5. What this Court finds is that the application, in question, which was filed before Trial Court, was not properly drafted. The application ought to have contained the List of Articles which were delivered on Supratnama and which were not received.

6. Considering this position, learned Advocate Mr. Paliwal prays that upon setting aside the impugned order, petitioner be granted leave to withdraw the application [Exh.44] with liberty to file a fresh application.

7. Impugned order dated 13th February 2003 passed below Exh.44 is set aside.

Prayer of the learned Advocate Mr. Paliwal to withdraw application [Exh.44] is granted with liberty to file a fresh application.

8. Civil Revision Application is disposed of in terms of para 7 above.

Judge

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